

1 R307. Environmental Quality, Air Quality.**2 R307-341. Ozone Nonattainment and Maintenance Areas: Cutback
3 Asphalt.****4 R307-341-1. Purpose.**

5 This rule establishes reasonably achievable control
6 technology (RACT) requirements for the use or application of
7 cutback asphalt in ozone nonattainment and maintenance areas.

**8
9 R307-341-2. Applicability.**

10 R307-341 applies to any person who uses or applies asphalt in
11 any ozone nonattainment or maintenance area.

**12
13 R307-341-3. Definitions.**

14 The following additional definitions apply to R307-341:

15 "Asphalt or Asphalt Cement" means the dark brown to black
16 cementitious material, either solid, semisolid or liquid in
17 consistency, of which the main constituents are bitumens that
18 occur naturally or as a residue of petroleum refining.

19 "Asphalt Concrete" means a waterproof and durable paving
20 material composed of dried aggregate that is evenly coated with
21 hot asphalt cement.

22 "Cutback Asphalt" means any asphalt that has been liquified
23 by blending with petroleum solvents (dilutents) or, in the case of
24 some slow cure asphalts (road oils), which have been produced
25 directly from the distillation of petroleum.

26 "Emulsified Asphalt" means asphalt emulsions produced by
27 combining asphalt with water that contains an emulsifying agent.

28 "Patch Mix" means a mixture of an asphalt binder and
29 aggregate in which cutback or emulsified asphalts are used either
30 as sprayed liquid or as a binder.

31 "Penetrating Prime Coat" means an application of low-
32 viscosity liquid asphalt to an absorbent surface in order to
33 prepare it for paving with asphaltic concrete.

**34
35 R307-341-4. Limitations on Use of Cutback Asphalt.**

36 No person shall cause, allow, or permit the use or
37 application of cutback asphalt, or emulsified asphalt containing
38 more than 7 percent oil distillate, as determined by ASTM
39 distillation test D-244, except as provided below:

40 (1) Where the use or application commences on or after
41 October 1 of any year and such use or application is completed by
42 April 30 of the following year;

43 (2) Where long-life (longer than 1 month) stockpile storage
44 of patch mix is demonstrated to the executive secretary to be
45 necessary;

46 (3) Where the asphalt is to be used solely as a penetrating
47 prime coat;

48 (4) Where the user can demonstrate that there are no
49 emissions of volatile organic compounds from the asphalt under
50 conditions of normal use;

51 (5) Where the use or application is for the paving of
52 parking lots smaller than 300 parking stalls.

R307-341-5. Recordkeeping.

Any person subject to R307-341 shall keep records for at least two years of the types and amounts of cutback or emulsified asphalt used, the amounts of solvents added, and the location where the asphalt is applied. The records shall be made available to the executive secretary upon request.

R307-341-6. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, emission controls, asphalt, solvent

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